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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,740	07/25/2001	Turguy Goker	50103-352	5600
7590	10/03/2005		EXAMINER	
John A. Hankins McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	
			DATE MAILED: 10/03/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/911,740	GOKER ET AL.
Examiner	Art Unit	
SANG KIM	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on BAPI 3/30/05.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 and 11-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 and 11-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Response to The Board of Appeals Decision

In view of the Board of Appeals Decision mailed on 3/30/05, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

Claim Objections

Claims 18-20 are objected to because of the following informalities: line 2, "a guide arm motor" should be –said guide arm motor--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamming, U.S. Patent No. 6034839.

Hamming '839 shows a tape drive mechanism comprising a hub filler 100 (best seen in figures 9-13) coupled to a guide rail 47. The end of the tape 16 is connected to the hub filler 100 by a leader pin 14 attached to the end of the tape 16 and engaged in a slot 104 in the hub filler. The "unloading" operation, when the tape is wound off the reel 42 and onto reel 12, is described in column 9, lines 47-67. With reference to figures 8-12 and as described in column 9, lines 55-67, during unloading, motor 70 drives load

arm 50 in a clockwise direction to move the hub filler back toward reel 12. The motor that drives reel 12 prevents slack from forming during the return trip of the hub filler 100 and the leader pin 14 to the reel 12. A conventional electronic or mechanical method is used to prevent the motor driving reel 12 from pulling against the loading mechanism (load arm 50). As discussed by Applicant in his specification (page 3, lines 10-17), in the Hamming '839 apparatus the load arm motor 70 and the motor driving cartridge reel 12 are calibrated to maintain adequate tension in the tape in order to reduce the risk of detachment of the tape from the hub filler.

Applicant has invoked the provisions of 35 USC 112, 6th paragraph, to define the "means for preventing detachment of an end of tape from the hub filler during a tape unloading operation" set forth in claim 1, as comprising the frictional resistance of the hub filler in the guide track, the frictional resistance of the load or guide arm, the magnetic resistance of the guide arm motor, and optionally, stimulated electrical induction within the guide arm motor.

This limitation is taught by the electronic or mechanical calibration of Hamming's motor 70 and the motor driving reel 12, in conjunction with the inherent friction of hub filler 100 moving in guide 47, the inherent friction of movement of the load arm 50 and the force caused by the inherent magnetic resistance of the guide arm motor. These frictional forces would necessarily be present in the apparatus of Hamming, because Hamming provides no disclosure of frictionless devices, nor would such devices be reasonably inferred by one skilled in the art. The result of Hamming's calibration is maintenance of sufficient tension in the tape to prevent detachment of the leader pin 14

from the hub filler 100, without exerting excessive tension on the tape or loading mechanism.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/20/05

Kathy Matecki

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